

Hon. Richard A. Jones

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

RICK TILLMAN, individually, and  
SONVISION ENTERTAINMENT LLC, a  
Washington Limited Liability Company, dba  
EAGLE FITNESS HEALTH CLUB,

Plaintiffs,

vs.

DOLLAR TREE STORES, INC., a foreign  
corporation,

Defendant.

NO. 2:18-cv-01860 RAJ

ORDER ESTABLISHING THE  
RICK TILLMAN SPECIAL NEEDS  
TRUST

THIS MATTER having come on regularly before the undersigned Court on the Unopposed Motion to Establish an Irrevocable Self-Settled Special Needs Trust on Behalf of the Plaintiff; the Court has reviewed the pleadings and records submitted, as follows:

1. Unopposed Motion to Establish an Irrevocable Self-Settled Special Needs Trust on Behalf of the Plaintiff;
2. Declaration of Rick Tillman and attachments thereto;
3. Declaration of Jeffrey Musto and attachments thereto; and
4. The proposed Rick Tillman Special Needs Trust.

1 The Court having received and considered requests for relief pertaining to the creation  
 2 of a court-declared irrevocable self-settled special needs trust on behalf of Ricky Tillman and  
 3 having reviewed the file and the above described documents, now enters the following:  
 4

### 5 FINDINGS OF FACT

6  
 7 1. The beneficiary is one who qualifies under federal law for the transfer of assets  
 8 into a Special Needs Trust, which will preserve the assets, estate, or expectancy of the  
 9 Beneficiary and allow them to remain available for the benefit of the Beneficiary irrespective  
 10 of receipt of state or federal needs-based benefits.  
 11

12 2. The purpose of creating a Trust for the Beneficiary shall be to conserve the  
 13 assets which would otherwise be available to the Beneficiary, but which without being held in  
 14 Trust would disqualify the Beneficiary from state or Federal benefits, be subject to the creditors  
 15 of the Beneficiary, or be otherwise distributed in an unprotected manner or be subject to  
 16 anticipation, encumbrance, or expenditure other than for which the Trust was created.  
 17

18 3. The Court has carefully considered the alternative means of protecting the estate  
 19 and finds that the creation or approval of a Trust is the means best suited to the specific needs  
 20 of this Beneficiary in this proceeding.  
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22  
 23 THEREFORE, having entered Findings of Fact, the Court now enters the following:

### 24 CONCLUSIONS OF LAW

25  
 26 1. The Court, in its discretion, pursuant to 42 U.S.C. § 1396p(d)(4)(A) and WAC  
 27 182-516-0120 is authorized to establish a trust for the benefit of a disabled adult under the age  
 28 of sixty-five (65). The Court may authorize and establish a Special Needs Trust pursuant to  
 29 state and federal law providing for the preservation of a person's assets, estate, or expectancy.  
 30

1           2.       In approving the establishment of a Special Needs Trust, the Court has the  
2 authority to determine that the Trust is the best and most appropriate method to achieve the  
3 purposes for which it is created, as described above.  
4

5           3.       The provisions of the Trust document are designed to maximize the protection  
6 of the Trust estate while minimizing the intrusion into the affairs of the Beneficiary, consistent  
7 with the purposes for which the Trust is established.  
8

9 THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:  
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11           1.       The Plaintiffs' Petition for the Court to Establish an Irrevocable Self-Settled  
12 Special Needs Trust on Behalf of the Plaintiff (Dkt. # 28) is GRANTED;

13           2.       The Court directs that a court-created irrevocable self-settled special needs trust  
14 for the benefit of Ricky Tillman, the Rick Tillman Special Needs Trust, is established and  
15 approved of by the Court.  
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17           DATED this 19th day of February, 2021.

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21 The Honorable Richard A. Jones  
22 United States District Judge  
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